S.B.Criminal Revision Petition No.584/2007

Aslam vs. The State of Rajasthan

Date of Order ::: August 21,2007.

HON'BLE MR.JUSTICE G.S.SARRAF

Ms.Gyatri Rathore for petitioner.
Mr.B.K.Sharma, P.P.

This revision petition is directed against the order dated 10.5.2007 passed by learned Additional Sessions Judge (Fast Track) No.2, Jhunjhunu in sessions case No.32/2007 whereby charges have been framed against the petitioner under Sections 467, 468, 420, 302 IPC and under Section 3 of the PDPP Act.

Heard learned counsel for the petitioner and learned P.P.

The grievance of the learned counsel for the petitioner is limited to the extent of framing of charge under Section 302 IPC only. She contends that even if the prosecution story is accepted the charge only under Section 304A IPC is made out and, therefore, the charge framed under Section 302 IPC cannot be sustained.

Learned P.P. has supported the impugned order.

As the order of the learned trial court reveals, the witnesses Jagtu Ram, Sandeep and Vijaypal in their

statements recorded uder Section 161 Cr.P.C. have stated that the petitioner took the dumper in the back side and dashed it against the Zipsy with the intention to cause their death.

The standard of proof which is to be finally applied before recording a finding regarding conviction or acquittal of the accused is not exactly to be applied at the stage of framing of charges. At this stage, the court is only expected to see whether there are sufficient ground for proceeding against the accused.

Considering the evidence available on the record, I am of the opinion that a prima facie case does exist and there are sufficient grounds to proceed against the petitioner under Section 302 and other Sections of IPC and PDPP Act.

In view of the above discussion the revision petition fails and the same is hereby dismissed.

(G.S.Sarraf),J.

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